

COAL MINING AND RECLAMATION PERMIT APPLICATION TO REVISE A PERMIT (ARP)

Issued To: OHIO VALLEY COAL CO
56854 PLEASANT RIDGE ROAD
ALLEDONIA, OH 43902

Permit Number: D-360
Application Number R-360-54

Telephone: (740) 926-1351

Effective: 02/19/2003
Expires: 06/19/2004

ARP Type:
Revise Water Monitoring Plan

The issuance of this ARP means only that the application to conduct a coal mining operation meets the requirements of Chapter 1513 of the Revised Code, and as such DOES NOT RELIEVE the operator of any obligation to meet other federal, state or local requirements.

This ARP is issued in accordance with and subject to the provisions, conditions, and limitations of Chapter 1513 of the Revised Code and Chapters 1501:13-1, 1501:13-3 through 1501:13-14 of the Administrative Code.

The approved water monitoring plan for this ARP is:

Quality: N/A

Quantity: N/A

Note: Any previous condition(s) imposed on this permit, or subsequent adjacent areas, also apply to this ARP unless noted otherwise.

Signature: Michael J. Sponsler by RWG
Chief, Mineral Resources Management

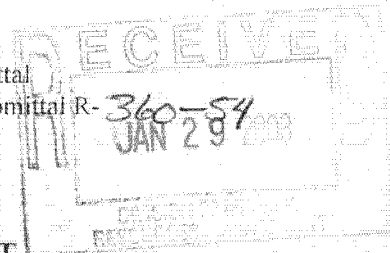
Date: 02/19/2003

ORIGINAL

____ New Submittal
☒ Revised Submittal R-360-54

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION**

APPLICATION TO REVISE A COAL MINING PERMIT



Note: Refer to the Division's "General Guideline for Processing ARPs" and "Requirements for Specific Types of Common ARPs" for guidance on submitting and processing ARPs.

1. Applicant's Name THE OHIO VALLEY COAL COMPANY
Address 56854 PLEASANT RIDGE ROAD
City ALLEDONIA State Ohio Zip 43902
Telephone Number 740 - 926 - 1351
2. Permit Number D-0360

3. Section of mining and reclamation plan to be revised:

Page 29 K

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

This revision includes changes to a plan to monitor for subsidence damage.

5. Describe in detail the reason for requesting the revision:

The mining under the Simpson wetlands was completed and there were no impacts to the wetland. This request is to cease monitoring. Monitoring occurred for one year prior to and one year and a half after mining (more than the required one year after). A summary of the monitoring is enclosed.

6. Will this revision constitute a significant alternation from the mining and reclamation operation contemplated in the original permit? ____ Yes, ☒ No.
(Note: refer to paragraph (E) (2) of 1501:13-04-06 of the Ohio Administrative Code to determine if a revision is deemed significant.)

If "yes," complete the following items 7 through 9.

RECEIVED

ORIGINAL

7. In the space below give the name and address of the newspaper in which the public notice is to be published.

N/A

8. In the space below give the text of the public notice that is to be published. (Include the information required by paragraph (A)(1) of 1501:13-05-01 of the Ohio Administrative Code.)

N/A

9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

N/A

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

JOHN R. FORRELLI

Print Name

1-27-03

Date

John R. Forrelli
Signature

President and General Manager
Title

Sworn before me and subscribed in my presence this 27th day of January, 2003

Denise R. Jackson
Notary Public

DENISE R. JACKSON
Notary Public, State of Ohio
My Commission Expires 9-27-2005

FOR DIVISION USE ONLY

APPROVED

This request is hereby
Michael J. Sponsler

2-19-03



November 23, 2002

Mr. Thomas Pulay
Reclamation Inspector
Division of Mineral Resources Management
ODNR
2050 E. Wheeling Avenue
Cambridge OH 43725

Dear Tom:

The Ohio Valley Coal Company has completed the required monitoring of the Simpson Wetlands per approved application D-0360-7. The wetlands were monitored for one year prior to mining and for one and a half years after mining under the property. Reports have been filed quarterly during this time period. All reports have been sent to Mr. Simpson.

At this time, Ohio Valley respectfully requests that monitoring cease at the site. The report for the fourth quarter 2002 is enclosed, which summarizes the monitoring. No impact to the wetland was experienced from the underground mining. The other reports also are enclosed to make the file complete. At this time, Ohio Valley will cease monitoring at the end of this quarter unless we hear otherwise. If you have any questions please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

enclosures

cc: W. J. Siplivy (w/o enclosures)
F. Simpson
file

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56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 07769

**SIMPSON WETLANDS INSPECTION
FOURTH QUARTER, 2002
and
PROJECT SUMMARY**

REPORT NUMBER 14

**Section 35, Smith Township
Belmont County, Ohio**

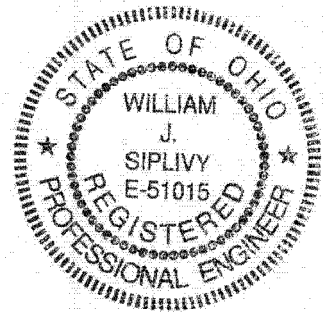
Prepared for:

Mr. David L. Bartsch, P.E.
The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

By:

William J. Siplivy, P.E., Inc.
Geotechnical Engineer
50 Munroe Falls Avenue
Munroe Falls, Ohio 44262

16 November 2002



William J. Siplivy

ORIGINAL

16 November 2002

Mr. David L. Bartsch, P. E.
The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

Re: Simpson Wetlands Inspection - 4th Quarter, 2002 and Project Summary
Report No. 14

Dear Mr. Dave:

This is the 4th Quarter Inspection Report for 2002 and a Project Summary of observations made to-date.

Inspection - 4th Quarter, 2002

The Simpson wetlands were inspected from 4:00 to 5:00 p.m. on the 13th of November 2002. This is an upland wetland, approximately one-half acre in aerial extent, located off Bishop Road in the western half of Section 35, Smith Township, Belmont County, Ohio.

The site was initially evaluated by the writer in September, 1999. Mr. and Mrs. Floyd Simpson were present during this evaluation. It was determined to be a wetland then based on the presence of hydrophytic vegetation, wetland hydrology and hydric soils, in accordance with U. S. Army Corps of Engineers delineation procedures.

Observation conditions for this inspection were excellent. The temperature was 50 degrees, the sky was clear with full sun. The following conditions were noted:

1. Vegetation varied from bright green, lush and thick stands of impatiens and grasses to brown, dormant cattails and brush. Impatiens, cattails, and grasses are prominent throughout the lower half of the wetland. Impatiens and grasses are dominant in the upper half of the wetland.
2. The site is fed by a seasonal upland spring and precipitation runoff. During this inspection spring flow was entering the site at an estimated 2 gallons per minute. The channel is sinuous in geometry, typically less than one-foot wide and from four to eight inches deep. As the ground surface broadens downstream, this flow begins to lose its identity around the middle of the property, near the crabapple trees. The ground is saturated from here to the bottom of the property with scattered occasional small pockets or pools of water. There is no observable flow exiting the site.

3. Wildlife appears abundant throughout the wetland. Thick brush here provides excellent cover for small game. Numerous animal tracks (deer) and trails are seen within and adjacent to the study area. Birds are plentiful.
4. The overall condition of the wetland is good. Photographs are attached to support the above assessment.

Sloping ground adjacent to the wetland was examined for slips from longwall mining beneath the site. There are no slips or other signs of instability found here. There is a dense stand of trees at the upstream end and along the right hillside when looking downstream. There was no visible sign of disturbance to any of the trees.

Project Summary

The purpose of this project was to record site conditions prior to and following longwall mining. The initial inspection was conducted in September, 1999. Since then, the site has been inspected quarterly over fourteen consecutive periods. Each inspection included a detailed site description coupled with photographs taken in the upstream, mid-property and downstream sections.

Longwall mining in OVCC's 27 West Panel was conducted south of the site a year after the first inspection, in September, 2000. Longwall mining in OVCC's 28 West Panel was conducted beneath the site six month later, in March 2001.

During the fourteen quarter observation period the following conditions were noted:

1. The site is fed by an upland spring. Flow enters the site in all quarters except the 3rd quarter, in September, the dry season. In the winter and early spring, flow rates of 5 to 10 gallons per minute are common. This is also the only time spring flow exits the site.
2. In the spring, summer and early fall vegetation is vibrant green, lush and thick. In the late fall and throughout the winter vegetation is mostly dormant except for the grasses. The same species of plants are present here today as were identified in the initial inspection. Typical wetland species include cattails and impatiens. Please refer to Report No. 1 for detailed listing of all plant species.
3. The soils are dark brown in color and range from damp to saturated, depending on season.
4. The wetland characteristics of vegetation, soils and hydrology have not been impacted by longwall mining. All have remained constant throughout the observation period. The only changes are from the seasonal climate cycle.

5. The ground surface shows no effects from longwall mining. There are no ground cracks or offsets observed within or on the flanking hillsides to the wetland.

Please let me know if there are any questions.

Respectfully submitted,

William J. Siplivy, P.E., Inc.

A handwritten signature in cursive script, reading "William J. Siplivy". The signature is written in dark ink and is positioned above the printed name and title.

William J. Siplivy, P.E., C.P.G.
President

ODNR-Division of Mineral Resources Management

ARP REVIEW TRACKING SHEET

APPLICANT	Ohio Valley Coal Co.	ARP #	R-360-54
ARP SUMMARY	Revise H ₂ O Monitoring Plan		
DISTRICT	Cambridge	APP. MANAGER	Knasel
DATE RECEIVED BY APPLICATION MANAGER		1-29-03	

	YES	NO
1. Is the ARP a SIGNIFICANT REVISION? <i>If yes, complete and attach significant ARP Cover Sheet.</i>		✓
2. Were there public comments and/or an informal conference requested? <i>If yes, a written response must be sent to those providing comments at the time the ARP is either approved or disapproved.</i>	+	

INITIAL REVIEW

Check applicable reviewers and indicate date(s) the ARP was distributed and comments returned

	Date Sent for Review	Date Response	ACCEPTABLE	
			YES	NO
Jack Johannes (Soils)				
Mike Mann (Blasting)				
Scott Stiteler (Ownership)				
Engineer:				
✓ Hydrologist: George Mychalski	1-31-03	2-3-03	✓	
Field ES:				
✓ Inspector: Tom Pulay	1-31-03	2-7-03	✓	
Other:				
Date Revisions Sent to Applicant		Revisions Rec'd from Applicant		

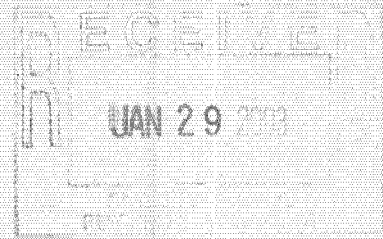
SECOND REVIEW

Check applicable reviewers and indicate date(s) the ARP was distributed and comments returned

	Date Sent for Review	Date Response	ACCEPTABLE	
			YES	NO
Jack Johannes (Soils)				
Mike Mann (Blasting)				
Scott Stiteler (Ownership)				
Engineer:				
Hydrologist:				
Field ES:				
Inspector:				
Other:				
Date Revisions Sent to Applicant		Revisions Rec'd from Applicant		



January 27, 2003



Ms. Treva Knasel
Division of Mineral Resources Management
1855 Fountain Square Court
Columbus OH 43224

Dear Treva:

Enclosed are two arp's. The first is to cease monitoring of the Simpson wetland as the monitoring schedule described in our permit has been met. The second arp is to delete monitoring of several groundwater sources according to the approved groundwater monitoring plan. This monitoring was ended as of December, 2002 as described in a letter to Mr. Tom Pulay, Reclamation Inspector. Please contact me if you have any questions.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: file

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(740) 926-1351 • FAX (740) 926-1615

TOVCC 07775



ARP REVIEW DUE DATE LETTER

Applicant: OHIO VALLEY COAL CO

ARP Number: R-360-54

Summary:

Revise Water Monitoring Plan

District: CAMBRIDGE

Application Manager: Treva Knasel

Date Received by Application Manager: 01/29/2003

This sheet is to be completed by the Permitting, Hydrology Bonding Section Application Manager and attached to any ARP documents that are being sent to technical and other staff for review. A separate sheet is to be completed for each reviewer.

Date Sent: 01/31/2003

Date Review Due: 02/21/2003

- ☒ Hydrologist: George Mychkovsky
- ☒ Inspector: Tom Pulay
- ☐ Field Team Leader:
- ☐ Environmental Specialist:
- ☐ Engineer:
- ☐ Blasting Plan:
- ☐ Soil Scientist:
- ☐ Archaeologist:

If applicable, date ARP was put on public file: _____

COMMENTS:

I have reviewed the ARP documents and following this review find the material and information provided by the applicant to be:

- ☒ **ACCEPTABLE** No further revision(s) is required. The ARP is for activity that complies with current regulatory requirements
- ☐ **UNACCEPTABLE** Additional revisions are needed as outlined in the attached document.

Signature:

George O. Mychkovsky

Date: 2/3/03



ARP REVIEW DUE DATE LETTER

Applicant: OHIO VALLEY COAL CO

ARP Number: R-360-54

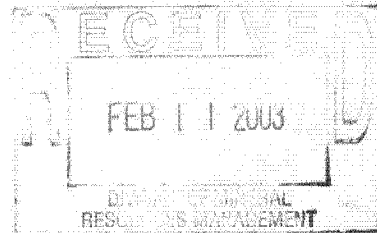
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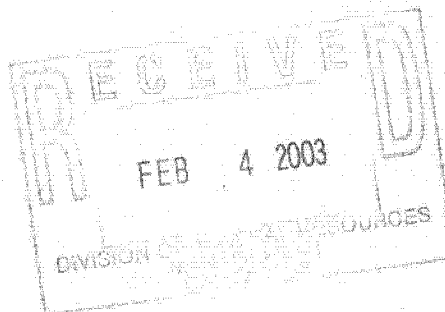


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Date Sent: 01/31/2003

Date Review Due: 02/21/2003

- ☒ Hydrologist: George Mychkovsky
- ☒ Inspector: Tom Pulay *Canb,*
- ☐ Field Team Leader:
- ☐ Environmental Specialist:
- ☐ Engineer:
- ☐ Blasting Plan:
- ☐ Soil Scientist:
- ☐ Archaeologist:



If applicable, date ARP was put on public file: _____

COMMENTS:

No noticable surface damage was observed to the wetlands by my field inspections.

I have reviewed the ARP documents and following this review find the material and information provided by the applicant to be:

- ☒ **ACCEPTABLE** No further revision(s) is required. The ARP is for activity that complies with current regulatory requirements
- ☐ **UNACCEPTABLE** Additional revisions are needed as outlined in the attached document.

Signature: *Thomas Pulay*

Date: *02-07-03*